App F IX 4

Previous References

1933-34
(mc)

File No 275-33
Serial Nos 1—6

Later References

GENERAL AND REVENUE SECRETARIAT

Serial Nos nx

Part B for Oct 34

SUBJECT

Entertainment of a Surveyor in Connection with the acqn of Properties in Ashiegui

6 To the Chairman P. Bd Inspr
Comptr & Chief Engineer

WD 01965—GPB—15 000—7 7-34

NDL 30224 & 25-10 34

Sanctions the proposal

F.T.

Me 7-15-33-1

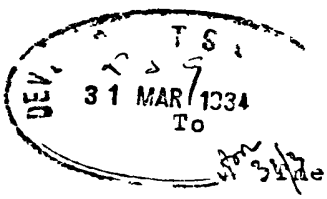
458
L

No ET 629
Enc

Office of the President,
City Municipal Council, Mysore
Dated 27th March 1934

From

B I Kesava Iyengar, Esq , B A ,
President, City Municipal Council, Mysore



To

The Chief Secretary to the Government
of His Highness the Maharaja of Mysore,
Bangalore

Sir,

I have the honour to state that many applications for licenses are being received from the residents of Ittegigud for the construction of houses on vacant sites and improvement of houses involving heavy cost As there were oral instructions not to grant licenses for fresh constructions in the locality, licenses are being refused The applicants question the grounds on which licenses are refused As licenses cannot be refused without reasons or orders from Government, I request that you will be so good as to obtain sanction of Government to prohibit both fresh constructions and improvements involving heavy cost in Ittegegud Government I believe are aware that the main reason for discouraging construction of houses in this area is that it is proposed eventually to clear the whole Ittegegud area of buildings and that it is necessary to keep down the cost of acquisition as far as possible Sometimes cases would arise where parties may either insist on the issue of licenses, or for immeidate -- acquisition When such cases come up acquisitinn proceedings will have to be taken up in view of the ultimate goal aimed at It is for this reason that it is considered necessary not to ~~have~~ have the matter in doubt and that some definite orders are on record

Submitted for orders

34 AY

I have the honour to be,
Sir,
Your most obedient servant.

President

VD

5510/37 pt 4518

General and Revenue Secretariat | File No pt 193 | [App F, III

Serial No

The President requests sanction of Govt to prohibit both fresh constructions and improvements involving heavy cost in Ottigepud It is not clear under what provision of law this can be done

2 Section 116(1) of the City Mcpl Regn gives power to Govt to prohibit the erection of buildings in specified areas without the sanction of Govt This does not seem to apply to improvements of existing buildings The section also lays down that in the case of lands set apart as building sites — as the lands in Ottigepud are perhaps such — permission to erect buildings shall not be refused This provision does not therefore enable Govt to sanction the President's proposal

3 For orders (A)/ The Law section may be consulted

Chief Secy) WD 9/4

4 (A) Apps Kent the advice sought as urgent

RS 11/4

Asst Secy, Lawsection WD Cant 5) Apps 11/4

5) The question whether a notification under sec 116 of the City Mcpl Regn was served in the present instance or not and if not whether the entire area forming by the name of Ottigepud has been already set apart by Govt or by the Mcpl Co-

A

NOTE [illegible]

WD 0484 — 000—12-10-46

Serial No A

building sites" ~~or~~ and transfered to private parties as such — If this is so, ~~the~~ even if a notn under sec 116 is issued licenses to build cannot be refused on account of the proviso — The only course open would be to start acquisition proceedings in the cases of all sites over which the owners concerned show a determination to build

b) I think it is necessary and desirable to amend sec 116 by ~~some~~ repealing the proviso. The proviso in the majority of the cases, nullify the effect of the main provision — Because if the area within which govt wish to notify a prohibition, has not been already set apart & transfered to private parties as building sites they must be vacant land vested either in the City or the Govt — In either case govt ~~by~~ can prevent the vacant lands from being used for building purposes without the necessity of issuing a notn under sec 116 A notn under this section would be necessary only in cases in which there is an area not vested in the Mc or Govt & over which there is a right of user of private persons constructing buildings —

4518
f

Serial No

In such cases, the proviso effectually prevents a notn under the section to which it refers be of any use, unless the land is an agricultural land not set apart for building purposes — —

— cost secy — } — — — — — — — —
— — — — with compts — } — mp — —
— — — — — — — — — — 11/4

— — 7) For orders if the President may be written to regarding the point at A in para 5 above

— — — — — — — — — —

5560

4518 - P

File No | of 193 | General and Revenue Secretariat

Serial No A

Annexure I to G O no 173-233 Dy 23 6 27 - containing instructions for the guidance of Land Acqn Officers

For favour remarks -

Asst Secy Lawsect - Mon 20/4
now Comps -

~~Recommended~~

12) It is no doubt true that once a preliminary notification is published under Sec 4 of the L A Acqn, the owner has to obtain the sanction of the Deputy Comr before he can build upon or improve ~~the~~ the land notified for acquisition If he incurs any outlay otherwise, that cannot be taken into consideration in fixing the amount of Compensation - Vide sec 24 cl seventhly of the L A Acqn

13) But it is however doubtful how far it would be possible to delay taking further proceedings in acqn after the publication of the preliminary notn Sec 5A gives a period of 30 days for filing objections Subsec (2) of this section imposes a duty on the L A officer to hear the objections & to submit the case for the decision of the Govt Sec 6 obliges the Govt to make the final declaration when it is satisfied after considering the objections & the report, that the land is needed for a public purpose,

Serial No

Once such a declaration is made, the L A Officer is bound to take further proceedings under secs 7, 8, 9 and 11 If no declaration is made under sec 6 - within a reasonable time, it is open to the parties concerned to presume that the Govt is not satisfied that the land is required for a public purpose and in proper cases, an unreasonable delay may give rise to a right of action to a party to claim damages from Government

14) Above all, powers conferred by the Legislature to interfere with property must be exercised within a reasonable time after notice has been given of the intention to exercise such power, otherwise the notice may be liable to be treated as being no longer efficacious In Tiverton Rail Co. -v- Loosemore (1884 - 9 A C 480), a case relating to the power of a Ry company to acquire lands compulsorily, Earl Cairns said

"I am disposed to think that if nothing more was done within the time for completing the works than giving the notice to treat, and the Company have slept on their rights and certainly if the delay cannot be explained, they should be held to be disabled from going on with any compulsory purchase, and in such case the landowners should as I think, be held to be disabled also."

15) On this view, once a notice of intended acquisition is issued, and no further action is taken

NOTE—Contn Sheet

WD 0484—GPB—15 000—12 10-83

File No of 193

General and Reve... Secretariat

Serial No

The very fact of the delay which cannot be explained otherwise may prevent the application of sec 24 cl seventhly and Govt may not be able to ~~[illegible]~~ effectually grant permission to build on such lands

Asst Secy NSG
with Comps

DOP
9/5/34

Refer - Para 9

Chief Secy

Asst
W 10/5

366
Law

17 Pl Spcay

Rd
11/5

Serial No

18 Ittigegud is now a residential area in which several persons have been given sites for house building ' A large number of houses have been already built and several applications are being received by the Municipal President for the grant of permission to build houses In view of the fact that it is proposed in course of time, to keep this area as an open space, the President has been refusing to grant building licenses and discouraging the construction of new houses But this action is now being questioned and the President has applied for the orders of Government as to the course of action which he should adopt

19 The law on the subject is contained in Sec 116 of the City Municipalities Regulation. Where ~~where~~ a person has acquired a right to build on a ~~given~~ site, the Municipality cannot prohibit him from exercising that right The only thing they can do is to acquire the ~~land~~ Site and pay the owner's adequate compensation

20 In the present case, the President has to follow this procedure He may publish a declaration to the effect that he proposes to acquire this area ~~for~~ ~~[illegible]~~ In pursuance of this declaration ~~[illegible]~~ If he goes on acquiring some portions every year as funds become available he can law the right to tell people not to build new houses and to withhold permission PP If this is approved the President will be told accordingly and asked to

NOTE—Contn Sheet

File No of 193

General and Revenue
Secretariat

Serial No

submit the declaration statement with the details as to the total cost of the acquisition and the means of meeting the cost

the general written & should be helpful Complete accts

Dewan)

Dewan - 21) RG 16/5/34 AH

DEWAN'S OFFICE 16 MAY 1934 No 310

22) Jm 16-5-34 RG 17/5 AH

Mr GS

23) Submitted with a draft for approval JB 21/5/34

24) Please put up a typed copy as revised AH 22/5

Typing as soon as possible 21/5

TYPING SECTION * 21 MAY 1934 * GENL

25) Typed draft as revised is put up for approval JB 22/5

Law Section has been informally consulted in the matter.

Chief Secty) AH 22/5

CHIEF SECRETARY 22 MAY 1934

26) JSG RG 23/5/34 Issue AH AH

TYPING SECTION * 3-30 PM * 23 MAY 1934 * CTT

Issues vide D434 of 23/5/34 to Dewan requesting Him to submit for orders the necessary declaration Statements with the details as to the total cost of the acquisition etc

NOTE—Contn Sheet

WD 01586—GPR—7500 5.4.34

Acquisition of properties in Mysore — Improvement

739

File No 295 of 1933 | General and Revenue Secretariat

Letter no 191 dated 16th Aug 1934 from the Chairman City Improvement Trust Board Mysore stating that there is no complete scheme for the acquisition of the area and the whole scheme will have to be done now by actually surveying every property and estimating the cost of acquisition and that a beginning has been made to have a complete scheme blockwise and to take up such portions as are considered urgent with reference to the funds that might be made available.

2. The Chairman states that an additional Sub-overseer on a pay of Rs 50-4-70 for a period of 6 months will be necessary for the purpose

Submitted for orders (Replies in Supra)

3. The Chairman's letter is laid for perusal, with reference to para 2 supra

The says that the proposal to notify the whole area for acquisition is not considered satisfactory by the Trust Bd in view of the heavy cost involved & the long time that will be taken in acquiring the properties He suggests that the acquisition work may be taken up block wise after getting the area surveyed & a complete Scheme is got prepared ~~divided into sub-divisions blocks for purpose of acquisition~~ For the preparation of the Scheme a staff of 1 is said to be necessary & the work to be done soon & the Chairman says that he will submit proposals after receiving instructions

4518 J 1534

General [redacted] Revenue Secretariat — File No 275 of 1933-34 — [App F III—2

Serial No	
	From Govt
1	3) The Chairman will, I am, be informed that
	his proposal to have a scheme prepared & take up
A	the work of Requisition block-war is acceptable to Govt
	& that he may submit formal proposals in the matter stating
	Staff required, the source for meeting the cost thereof &c.

Chief Secy) 25/8

25 AUG 1934

32 A 4/8 Rir 25/8/34 Draft 25/8

TYPING SECTION 28 AUG 1934 GENL & I ECTT

3) Submitted with a draft for approval for 25/8

3) 25/8 25/8

4 Govt vide 1537 of 31/8/34 to the Chairman & Hqrs Request him to submit formal proposals in the matter.

5 Letter no 4524 dated 1/10/34 from the Chairman City Improvement Trust Board regarding furnishing the report called for

3) The Chairman states that with the present available staff of the Board, beginning to have a complete scheme block-wise was made and that estimates for 75 projects

NOTL—Contn Sheet

Addl - required for acquisition of properties in the layout - reported

File No 739/1433/1493 of 1933

General and Revenue Secretariat

in Blocks 39 & 40 have been completed so and requests sanction to the appointment of a Subovereer on Rs 35+5 pm for the special scheme for a period of six months and assumes that the additional cost on this account will be met by reappropriation of funds in the general savings of the Budget grants for the year

36) Submitted with reference to para 32

83 3/10 NM 3/10/34

37) Please put up draft sanctioning

Asst 3/10

38) Submitted with a draft Go for approval

2 4/10/34 NM 4/10/34

Chief Secy)

JM 4/10

OFFICE R

4 OCT 1934

Addl Rig 3/10

Bosler Asst 16/10

To Chairman City Improvt Trust Bd Mysore 6

" Comptroller to Govt

" Chief Engineer in Mysore

No L 3022-4 dated 25-10-34

Sanctions the entertainment of a Sub Overseer on Rs 35+5 p.m. for 6 months

TYPING SECT O 17 OCT 1934 GENL & REV SECTT

B 22-10-34 NM

L 8434 & 23-5-34

To ME 275-33-2

The President,
City Municipal Council,
Mysore

Sir,

With reference to your letter No E 629 dated 27 3 1934, soliciting orders of Government in the matter of prohibiting constructions and improvements of houses in Ittigegud, I am directed to state that the only way in which the object aimed at can be achieved is by taking immediate action to declare the entire area as ~~are~~ one intended for acquisition under the Land Acquisition Regulation once this is don sanction of the Land Acquisition officer under Section 24 Cl (7) will become neces sary before a person can incur any outlay on the property included in the area The actual acquisition can however go on as funds become available every year I am therefore to request you to submit for orders of Government the necessary declar tion statements with the details as to th total cost of the acquisition, the perio within which you hope to complete the acquisition and the means of meeting the cost

I have etc ,

DRAFT)
AH 24/5 Chief Secry to Govt

GOVERNMENT OF H'S HIGHNESS THE MAHARAJA OF MYSO

General and Revenue Secretariat

No L8434

Bangalore Dated 23rd May — 1934

From

The *Chief Secretary to the Government of His Highness the Maharaja of Mysore*

To

The President,

City Municipal Council, MYSORE.

Sir

With reference to your letter No F.T 629 dated 27th March 1934, soliciting orders of Government in the matter of prohibiting constructions and improvements of houses in Ittigegud, I am directed to state that the only way in which the object aimed at can be achieved is by taking immediate action to declare the entire area as one intended for acquisition under the Land Acquisition Regulation Once this is done sanction of the Land Acquisition Officer under Section 24 Clause (7) will become necessary before a person can incur any outlay on the property included in the area The actual acquisition can however go on as funds become available every year I am therefore to request you to submit for orders of Government the necessary declaration statements with the details as to the total cost of the acquisition, the period within which you hope to complete the acquisition and the means of meeting the cost.

I have the honour to be,

Sir,

Your most obedient servant,

A Venkata Rao

For Chief Secretary to Government.

mk 2

SUBJECT

Section mel
File No 275 33
Serial No I
No

Diary No of letter replied to L 4518

EXHIBITION OFFICE
(mel)
the *192*

To
The President City Mdel
Mysore

Date of issue

Sir

Signed by

With reference to your letter
no E J 629 dated 27/3/34
I have the order of Govt in the matter of
~~regarding~~ ~~sanction to~~ ~~probable~~
~~probable~~ ~~fresh~~ constructions and
improvements of houses
~~cost~~ in the regard, I am directed
to state that the law on the subject
~~contained in Section 46 of the City~~
~~Improvements Act 1933 where a~~
~~person has acquired a right to~~
~~build on a site the Municipality~~
~~cannot probably have from~~

over

WD0300—GPB—1 000—4 10-29

List of enclosures

Copied by

Examined by

The only way in which the object aimed at can be achieved is by taking immediate action to declare the entire area as are intended for acquisition under the L.A. Act. Once this is done sanction of the Land acqn officer under sec 24 cl(7) will become necessary before a person can incur any outlay on the property included in the area.

~~with might the only thing must it~~
~~can do is to acquire the site and~~
~~pay the owners adequate compensation~~
~~In the present case you may~~ I am therefore to suggest that
~~submit a declaration to the effect~~
~~that it is proposed to acquire the~~
~~area. If in pursuance of this~~
~~declaration you go on acquiring house~~
~~properties during years as funds~~
~~become available You will have~~
~~this in mind to tell people not~~
~~to build new houses or to withhold~~
~~permission. I am accordingly~~
~~to request you~~ to submit for orders of Govt the necessary
declaration statements with the
details as to the total cost of the
acquisition, the period within
which you hope to complete the
acquisition and the means of
meeting the cost

The actual acquisition can however go on as funds become available every year -

I am therefore to request you

I have etc

For Chief Secy to Govt

PW.275-33-3

No 191

OFFICE OF THE CHAIRMAN
CITY IMPROVEMENT TRUST BOAR
MYSORE

Dated 13th August *1934*

16 739

From

B T KESAVAIENGAR Esq BA
CHAIRMAN CITY IMPROVEMENT TRUST BOARD
MYSORE

To

The Chief Secretary to the
Government of His Highness the
Maharaja of Mysore, Bangalore

22 AUG 1934

Sir

With reference to your letter No L 8434 dated the 23rd May 1934 and subsequent reminder No L 555 dated the 26th July 1934 addressed to the President, City Municipal Council, Mysore, regarding the declaration statements with the necessary particulars for the acquisition of properties in Ittegegud, I have the honor to state that the proposal made by Government will involve notifying properties now, the acquisition of which would take at least 10 years to complete as the scheme is likely to cost two to three lakhs of rupees Even at Rs 25,000/- a year, the complete acquisition of the area is likely to spread over at leat 10 years This policy is not considered satisfactory by the Board as recently they have pointed out that even old acquisition cases should be withdrawn if there is no prospect of immediate acquisition Government have also made a similar observation in the case of the properties to be acquired to the West of the Mutton Stalls in Devaraja Market, the acquisition of which had been proposed to be proceeded with under the old Notification, but which was required to be notified afresh, withdrawing the older notifications

It seems therefore desirable to notify sections of the Ittegegud area blockwar, the acquisition of which may be expected to be completed in three or four years Itteg gud comprises of three blocks 39, 40 and 71 and there are 453 houses in all including vacant lands There is no complete scheme for the acquisition of the area and the whole scheme will have to be done now by actually surveying every property and estimating the cost of acquisition Since the Executive Staff of the Board has been considerably reduced in view of the reduced grants, this work will have to be done with the existing staff in addition to other routine work of the Board which requires time and labour A beginning has however been made to have a complete scheme blockwar and take up such portions as are considered urgent with reference to funds that might be made available If it is considered that the work should be expedited as early as possible, it will be necessary to entertain a temporary additional staff, proposals for which will be submitted on receipt of further instructions in this matter from Government I consider that an additional Sub-overseer on a pay of Rs 50 + 10 for a period of 6 months will be necessary for this purpose

I have the honor to be,

Sir,

Your most obedient servant,

Chairman

HRS

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No L 1534/pol 275-33-9 Bangalore, Dated 28th August 1934

From

The *Chief Secretary to the Government of His Highness the Maharaja of Mysore*

To

The Chairman
City Improvement Trust Board Mysore

Sir

With reference to correspondence ending with your letter No 191 dated 16th August 1934 stating that in connection with the acquisition of properties in Ittigegud beginning has been made to have a complete scheme blockwar and to take up such portions as are considered urgent with reference to the funds that might be made available etc I am directed to state that your proposal to take up the work of acquisition blockwar is acceptable to Government I am to request you to submit formal proposals in the matter stating the temporary staff required and the source for meeting the cost thereof

I have the honor to be
Sir
Your most obedient servant

Asubbarao
For Chief Secretary to Govt

c n -2

Appendix F G—1]

SUBJECT

Section Nil

File No 295-33

Serial No 4

Diary No of letter replied to L739

No L4537/Nil

To

The Chairman

City Improvement Trust Board

Mysore

General and Revenue Secretariat

(Nil)

the *193*

Date of issue 31-8-34

Signed by Lt Col Rao

Sir

With reference to correspondence ending with your letter no 191 dated 16th Aug 1934, stating that in connection with the acquisition of properties in Attigepur, ~~work~~ beginning has been made to have a complete scheme blocked out and to take up such portions as are considered urgent with reference to the funds that might be made available, I am directed to state that your proposal to take up the work

List of enclosures

Copied by

Examined by

P.T.O.

WD 0677—GPB—15 000—8 11 33

if acquisition by Greece is
acceptable to Govt I am to request
you to submit formal proposals
in the matter, stating the temporary
staff required and the source
~~from which~~ for meeting the cost thereof.

I have etc

for Chief Secretary
of
State

1493

No 454

OFFICE OF THE CHAIRMAN
CITY IMPROVEMENT TRUST BOARD
MYSORE

Dated 1st October *1934*

Ml 275-33-5

FROM

B T KESAVAIENGAR Esq BA
CHAIRMAN CITY IMPROVEMENT TRUST BOARD
MYSORE

To

CHIEF SECRETARY 3 OCT 1934

The Chief Secretary to the
Government of His Highness the
Maharaja of Mysore, Bangalore

SIR

With reference to your letter No L 1537/Ml 275-33-4 dated the 31st August 1934 regarding the scheme for the acquisition of properties in Ittigegud, I have the honor to state that with the present available staff of the Board, a beginning to have a complete scheme block-war was made, and that estimates for 75 properties in Blocks 39 and 40 have been completed so far Most of the Sub-overseers of the Trust Board having been retrenched in recent years owing to reduced grants, there are only two Sub-overseers now working in the City Improvement Trust Board and these two Sub-overseers had been entrusted with the preparation of the acquisition schemes of Ittigegud area in addition to other routine work of the Board

Government not having approved of the re-employment of Mr V Vajravelu Mudaliar who was one of these two Sub-overseers for a further period of one year (vide Chief Secretary's letter No L 1876/Ml 14-34-8 dated 15th September 1934 the Chief Engineer of Mysore has posted another hand from the Public Works Department in his letter No 2270 dated the 25th September 1934 in place of Mr Vajravelu Mudaliar whose services will have to be terminated from 1st October 1934

The other sub-ordinate who also stands transferred as per the above communication of the Chief Engineer has suddenly fallen seriously ill and his work will be in arrears till his reliever reports himself for duty The Chief Engineer will be requested to post a hand immediately

Pu 9 [illegible] As already requested in this office letter No 191 dated the 16th August 1934, a junior Sub-overseer at least on a salary of Rs 35/- plus Rs 5/- a month is urgently required for this special scheme for a period of at least 6 months On receipt of Government sanction to the appointment, the Chief Engineer will be requested to post a suitable hand

As regards the cost of meeting the additional expenditure, it may be stated that consequent on the retirement of Mr Vajravelu Mudaliar, the post of a special grade Sub-overseer on Rs 100/- plus Rs 10/- per month may be abolished in view of the maximum pay of a Sub-overseer in the Public Works Department being Rs 80/-, and in its stead two places may be created one on a salary of Rs 60/- to Rs 70/- a month and the other on Rs 35/- a month Provision has been made in the current year's budget for a special grade Sub-overseer on Rs 100/- plus Rs 10/- The additional cost if any by posting two hands in place of one, of which one from Public Works Department has already been posted, will be met by re-appropriation of funds in the general savings of the Budget grants for the year

I have the honor to be,
Sir,
Your most obedient servant,

[signature]
Chairman

HRS

G R S App F VI—G 21

SUBJECT

ale

Diary No of letter replied to L 1493

Section Rul

File No 275-33

Serial No 6

General and Revenue Secretariat

(Rul)

the *193*

Proceedings of the Government of His Highness the Maharaja of Mysore

Date of issue 25/10/1934

Signed by Mr Asubba Rao

Read—

Correspondence ending with letter no 454 dated 1st October 1934, from the Chairman, City Improvement Trust Board, Mysore requesting sanction to the entertainment of a Subordinate on a pay of Rs 35-15-[illegible] for a period of six months, with the view relating to in connection with the Scheme of acquisition of properties in Ittigegud Mysore &c, and stating that the cost on this account will be met by re-appropriation [illegible] from the general Savings in the B. [illegible]

May this be—

(i) printed ?

(ii) treated as a standing order ?

(iii) published in the Gazette English part ?

(iv) translated ?

(v) placed at the disposal of the press ?

(vi) published in the Gazette kannada part ?

Grants during the Current Year

Order - No 3022-4 dt 25/10/34

Sanctioned

RR 13/10 -

Chief Secy to Govt

the Chairman Dist Board

the Controller to Govt

The Chief Engr in Mysore

Dy
4/12

Mr
to

Dy
17/10

List of Enclosure

Copied by

Examined by

WD 0954—G1 B—10 000—22-8 32

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS
THE MAHARAJA OF MYSORE

Read –

Correspondence ending with letter No 454 dated 1st October 1934, from the Chairman, City Improvement Trust Board, Mysore, requesting sanction to the entertainment of a Sub Overseer on a pay of Rs 35 plus 5 per mensem for a period of six months in connection with the work relating to the scheme of acquisition of properties in Ex Ittigegud, Mysore City and stating that the cost on this account will be met by reappropriation from the general savings in the Budget grants during the current year

---

O R D E R No L 3022-4/Rul 275-33-6
Dated, Bangalore, 17th October 1934
25

S A N C T I O N E D

Aneeva Rao
for Chief Secretary to Government

To

The Chairman City Improvement Trust Board, Mysore
The Comptroller to Government
The Chief Engineer in Mysore

V L 4